TL4403

OMCT
OPERATING THE SOS-TORTURE NETWORK

ORGANISATION MONDIALE CONTRE LA TORTURE
WORLD ORGANIZATION AGAINST TORTURE
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Case IDN/TMP 190598

The International Secretariat of OMCT requests yours **URGENT** intervention in the following situation in **Indonesia/East Timor.**

Brief description of the situation:
The East Timor Human Rights Centre (ETHRC), a member of the network, has expressed its grave concern over the physical and psychological integrity of two East Timorese men, Mr **Antonio da Costa** and his brother Mr **Mauricio da Costa**. They are allegedly being held in incommunicado military custody. Following their arrest on 12 May, 1998. It is believed the two men have been subjected to torture and beatings while in detention and that their faces are badly bruised as a result.

According to information received, at 5 am on 12 May, Mr **Antonio** and **Mauricio da Costa** were selling bread on the street in the village of Wainiki, Baucau, when a dark "hartop" car, owned by the military, suddenly pulled up beside them. It is believed that the four unidentified occupants of the car threatened the two brothers with knives, forced them into the car and then took them to Kopassus (Special Forces Command) headquarters in Baucau, where it is believed they are still detained.

The International Secretariat is concerned that Mr **Antonio** and **Mauricio da Costa** may have been arbitrarily detained as it is believed no charges have been brought against them. The International Secretariat fears that they may be at risk of further torture and ill-treatment as they have not been allowed access to independent legal counsel or members of their family.

East Timorese people suspected of opposing Indonesia's occupation of East Timor are frequently subjected to arbitrary detention. Detainees are routinely tortured and ill-treated in military and police custody, especially during interrogation. The risk of these violations is heightened by the fact that safeguards provided under the Indonesian Criminal Procedure Code are frequently ignored by the authorities and access to independent legal counsel and family members is often denied.

Action requested :
Please write to the authorities of Indonesia urging them to:

i. take immediate measures to guarantee the physical and psychological integrity of Mr **Antonio da Costa** and his brother Mr **Mauricio da Costa**, bring an immediate end to incommunicado detention and ensure the access of their lawyer and family members;

ii. order their immediate release if there are no valid charges against them, and if so bring them immediately before a competent and impartial tribunal and guarantee there procedural rights at all times;

iii. guarantee an impartial and exhaustive enquiry into these incidents, identify those responsible, bring them to trial, and apply the penal, civil, and/or administrative sanctions provided by law;

iv. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with national laws and international standards.

Addresses :
MINISTER OF JUSTICE M. Haji Utoyo Usman S.H., Menteri Kehakiman, Jl. H.R. Rasuna Said Kav. 6-7, Kuningan, Jakarta Selatan, Indonesia. Fax : + 62 21 525 3095

MINISTER FOR FOREIGN AFFAIRS,. Ali Alatas S.H, Menteri Luar Negeri, Jl. Medan Taman Pejambon No. 6, Jakarta, INDONESIA. Faxes: +62 21 360 541 / 360 517 / 380 5511 / 345 7782 / 724 5354

CHIEF OF NATIONAL POLICE Maj. Gen. (Pol.) Banurusman Atmosumitro, Kapolri, Markas Besar Kepolisian RI, Jl. Trunojoyo 13, Kebayoran Baru, Jakarta Selatan, Indonesia. Telegrams : National Police Chief, Jakarta, Indonesia

MILITARY COMMANDER REGION IX/UDAYANA (includes East Timor), General Syahrir MS, Pangdam IX/Udayana, Markas Besar KODAM IX/Udayana, Denpasar, Bali, INDONESIA.
Telegrams : Pangdam IX/Udayana, Denpasar, Bali, Indonesia

CHIEF OF POLICE FOR EAST TIMOR, Colonel Atok Rismanto, Kapolda Timor Timur, Dili, East Timor INDONESIA, Telegrams: Kapolda, Dili, East Timor

SECRETARY GENERAL, NATIONAL COMMISSION ON HUMAN RIGHTS, Prof. Dr. Baharuddin Lopa, Sekretaris Jenderal, Komisi Nasional Hak Azasi Manusia (Komnas HAM), Jl Latuharhary No 4 B, Menteng Jakarta Pusat, INDONESIA. Fax: +62 21 392 5227 - Email: info@komnas.go.id

Geneva, 19 May 1998.

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.